



PETTIBONE ACQUITTED

**Moyer Also Goes Forth
a Free Man.**

LACK OF TESTIMONY

**Hawley Ask Court to Dismiss
Moyer and Order is
Made.**

PERJURY CASE ALSO DISMISSED

**Two Men Who Were Charged With
Testifying Wrongly in Haywood Trial
go Free—Pettibone and Moyer Receive
Many Congratulations.**

BOISE, Jan. 4.—The end of the prosecution of the men charged with the murder of Governor Steunenberg, with the exception of the cases against Orchard and Simpkins, came today with the acquittal of Pettibone, and the formal releasing of President Moyer of the Western Federation. This latter act occurred at 4 o'clock this afternoon. Moyer will return with Pettibone in a few days to Denver.

The case of Orchard, the self-confessed assassin of Steunenberg, is in the hands of prosecuting Attorney Van Duyn of Canyon county. No statement as to the future procedure in that case has been made but it will be called during the next term of court at Caldwell, when it will probably be finally disposed of. Simpkins, a member of the executive board of the Western Federation who is charged with complicity in the crime is a fugitive from justice and the charge against him will stand.

When the Moyer case was called by Judge Wood this afternoon, James H. Hawley, representing Van Duyn signified the desire of the state to have the order of dismissal entered.

"I am satisfied," said Judge Wood. "That the course taken by the district attorney and decided upon by the attorneys for the state is the proper course to be taken in the matter. I have watched the evidence carefully so far as the connecting and corroborating evidence, under the statute, was concerned in its application to this defendant, and there certainly has been nothing developed in the cases that would justify the court in submitting the case against him to a jury, unless there was considerable additional connecting testimony than that which has been shown in the two cases already tried. For what reason the case will be dismissed and the order made exonerating the bondsmen of the defendant."

At the request of the state the case against Dr. McGee and C. W. Allen, charged with perjury by reason of testimony given by them in the Haywood case, was dismissed. Although the Pettibone jurors agreed their deliberations should be kept secret it has been learned on the first ballot the vote stood 8 to 4, the majority for acquittal. The second ballot resulted in a vote of 9 to 3. The third 10 to 2, and so it remained all night. The two holding out for conviction were finally won over.

Pettibone and Moyer received many telegrams of congratulation, chiefly from Colorado friends. Pettibone thought to be very ill for the past two weeks, walked to the local headquarters of the Western Federation this afternoon.

DENVER, Jan. 4.—William D. Haywood arrived in Denver tonight from the Northwest. When shown the Associated Press dispatch of the acquittal of Pettibone at Boise, he said he felt like he had been acquitted again. He said this was a more complete vindication than the former trial, and declared there was no evidence or argument introduced by the defense that the prosecution had not had cognizance of

months ahead of the trial, and had months to strengthen its case. "I am equally jubilant at Pettibone's acquittal as my own, and notwithstanding the reiterated statement of Governor Gooding, it is now safe to presume we shall all leave Idaho alive."

Haywood said the action of the state in dismissing the case against Moyer was just what he expected.

GOING TO EUROPE.

**Flurry Over Americans Now Journey to
Continent.**

NEW YORK, Jan. 4.—Now that the financial flurry is over hundreds of people are sailing for Europe for the winter. Many of them were delayed because of the stringency in the money market and the desire to remain at home until the financial horizon had cleared. Twelve great liners will sail today and will carry practically full passenger lists. The steamers sailing are the Campania and Coronis of the Cunard Line; Kaiserin Augusta Victoria, Pretoria and Hamburg of the Hamburg-American line; Koenigin Luise of the North German-Lloyd Columbia of the Anchor Line; St. Louis of the American Line; Minneapolis of the Atlantic transport line; Kronland of the Red Star Line; Cedric of the White Star line and United States of the Scandinavian-American Line.

BOXERS CAUSE TROUBLE.

**Heavy School Tax and Heavier Opium
Tax Causes Anger.**

SAN FRANCISCO, Jan. 4.—C. Polhill, an English missionary who has spent 20 years in China and arrived yesterday on the liner Nippon Maru, says that shortly before he left his station at Kai Tsen, in the Province of Szechuan, a place about 1500 miles from Shanghai, the Boxers had caused considerable alarm to the foreign residents. The imposition of a heavy school tax and a heavier tax on opium had aroused the Boxers to anger and started them on a wrecking rampage. No lives were lost in the outbreak but five buildings belonging to the Protestant and Catholic missions were destroyed before the authorities succeeded in quelling the riots. Polhill is on his way to London. He expects trouble all over China before many months.

EXPLOSION IN BANK

**Piece of Pipe Found Indicates
Bomb Was Fired.**

NO MOTIVE IS APPARENT

**Beautiful Marble Building of First National Bank of Kansas City Damaged
by High Explosive—Nine Persons Injured But None Fatally.**

KANSAS CITY, Jan. 4.—The consensus of expert opinion tonight is the explosion in the beautiful marble building of the First National Bank here this afternoon was caused by dynamite or some high explosive. A piece of pipe, believed to be part of a bomb was found late today in the wrecked basement. A motive is lacking, but bank officials and the police incline to the belief that the explosion was either the work of a crook or that the bomb had been secreted in the basement by would-be robbers for future use and exploded prematurely. No arrests have been made and the police are without a definite clue upon which to work. Joseph Pach, a Hungarian carpenter of this city, one of ten injured, was taken to questioned by the police. No charge was preferred against him. He satisfied the police he had no connection with the affair and was released. Pach said he was passing the building and was cut by glass. The loss is placed at \$1000, confined almost entirely to the basement. None of the injured were fatally hurt.

SZECHENYI-VANDERBILT.

NEW YORK, Jan. 4.—According to a statement published today Gladys Vanderbilt will be married to Count Laszlo Szechenyi, January 23, at the home of Mrs. Cornelius Vanderbilt. The wedding was postponed because Szechenyi's relatives wanted to spend Christmas in their own country.

WOULD PROVE STATEMENT

**Hency Says Fulton Has
Legal Remedy.**

IF CHARGES ARE UNTRUE

**Magazine Articles Make Charges
Which are Construed
as Corrupt.**

FULTON CHALLENGED HENY

**Hency Explained When Interviewed at
Tucson, Arizona, That he Had Not
Seen the Letter Referred to But Was
Prepared to Answer Statement.**

TUCSON, Ariz., Jan. 4.—F. J. Hency, whom Senator Fulton has challenged to substantiate statements, characterized as insulting, was asked today if he intended making a reply. Hency explained he knew little of the letter which Fulton is alleged to have given out for publication, and that he would not attempt to reply. He however made the following statement:

"An article in a monthly magazine, written by Lincoln Steffens, and others, published in a weekly periodical, contain charges against Fulton which are libelous if true and charge him with acts which I should construe as corrupt. If he denies them or their truths, I suggest he try their accuracy by libel suits. Any statement which I may have made about Fulton for publication I am prepared to answer. And substantiate with legal evidence when the proper time and opportunity arrive."

PORTLAND, Jan. 4.—In an open letter to Francis J. Hency, Senator C. W. Fulton challenges the land fraud prosecutor to set forth publicly the grounds on which he based his charge that Fulton had been guilty of corrupt acts.

Hency's accusation was published in the Oregonian about three weeks ago as a part of an interview with a representative of that paper. After his arrival in Washington Hency gave out the statement that he never said for publication anything discreditable to Fulton, but that remarks which he made privately might have been the basis for the Oregonian's alleged interview. At that time Fulton denounced the charges of corruption as malicious and false, and he has now called on Hency to back up his charges.

A dispatch to the Journal from Tucson, Arizona, says: When asked for a statement in reply to the open letter of Senator Fulton of Oregon today, Francis J. Hency said:

"When I made the accusation against the honesty and integrity of Senator Mitchell and Abraham Ruef, they took the same position that Senator Fulton now takes."

"All I have to say in answer to his open letter is that when I get good and ready, or when the proper time comes I shall give to the public the facts upon which I base my accusation against Senator Fulton."

OLD CRUISER BURNED.

SAN FRANCISCO, Jan. 4.—The old cruiser Marion was burned to the water's edge yesterday in Visitation Bay, three miles south of Hunter's Point, in San Francisco Bay. The Marion was launched in 1875 to perpetuate the name of the sloop of war Marion, the timber of which was used in the work of reconstruction. For a time she was in service on the China station. In 1896 she was given by the government to the naval reserve as a training ship and was eventually sold.

FOOTBALL GAME.

VICTORIA, B. C., Jan. 4.—Victoria, 12; Stanford, 3.

JEWELRY IS FOUND.

**Husband of Murdered Woman Had
Placed it in Safe.**

NEWARK, Jan. 4.—An important discovery, which the police state will enable them to name the slayer of Mrs. Lena Whitmore, whose body was found in a lamp black swamp near Harrison, and whose husband, Thomas Whitmore, is now in custody, pending further investigation of the crime, was made today when all the jewelry of the dead woman was found in the safe of Harry A. Radin, a saloonkeeper of Brooklyn. Radin said Whitmore had given him a box containing jewelry several days after the body was found. Whitmore previously told that his wife had worn all her diamonds when she left home on Christmas afternoon. Radin informed the police that Whitmore told him he wanted a safe place to keep the jewels until his wife returned. Whitmore, who is held as a suspect, was subjected to a searching cross examination today when told he would probably be arraigned later. He declined to discuss the affair.

REFUSE TO GRANT BAIL.

**Powers Must Stay in Jail Until
July 6.**

GEORGETOWN, Jan. 4.—In their appeal to the court to grant bail to Caleb Powers, in whose case the jury today failed to agree, and were discharged, his attorneys pleaded he was not in good health and in view of the fact that the jury did not agree as to his guilt, he should be allowed his liberty on bail. Another motion made by defense was that the date of the next trial be set within ten days. Both were overruled and the case set for July 6.

OPERATORS' CONVENTION

BUTTE, Jan. 4.—A Helena's special to the Miner says that January 17th has been definitely fixed as the date for the convention of mine operators of Central Montana for the purpose of organizing a state association to alleviate present mining conditions caused by doubling the former rates for smelting, put in effect December 1, by the Helena plant of the American Smelting & Refining Company.

THAW TRIAL AGAIN

**Slayer of Stanford White Soon
to Face Jury.**

EVELYN THAW MAY TESTIFY

**Rumor However Admits That Beautiful
Wife of Defendant May Not be
Required to Tell Harrowing Story—
Comstock to be Witness.**

NEW YORK, Jan. 4.—The final conference of attorneys for the defense in the Thaw case was held today. Mrs. William Thaw was not present and will not be present at the opening of the trial. She is sick at Pittsburg. Judge Victor Dowling, who presides at the coming trial is a young man, but has a wide reputation as a jurist. He intends to hold the opposing attorneys steadily to their tasks and to expedite the trial. Since the announcement that Anthony Comstock would be allowed as one of the principal new witnesses for the defense, rumor has once more gained circulation that Evelyn Thaw will not take the stand. The theory is that Comstock's testimony will indicate what Thaw heard regarding Stanford White, and thus relieve Mrs. Thaw from repeating the story. It is again authoritatively stated, however that Mrs. Thaw will take the stand.

CAN SEE NO REASON.

PARIS, Jan. 4.—Former Minister to Japan Harmand, in an interview with the Echo de Paris, declares he cannot see what Japan would gain by forcing a war with the United States nor how Japan could carry on a war without funds. Harmand says he will not wager on the question whether there will be war or not, but likens the situation to a mine which might easily be set off.

POLICEMAN MURDERED

**Shot By United States
Sailor.**

SLAYER IS CAPTURED

**Officer Accosts Suspicious
Characters and Receives
Death Wound**

BARBER SHOTS MURDERER

**Witnessed Killing of Policeman and
Jumps Into the Fight and Wrests the
Weapon from Slayer—Many Stamps
Found in Grip Belonging to Murderer.**

OAKLAND, Cal., Jan. 4.—Policeman James J. Fenton, was shot and killed this afternoon by F. S. Boyle, said to be a United States sailor stationed at Mare Island. Boyle was captured by Thomas Shields, a barber, who took the gun away from him. Shields shot Boyle in the abdomen after the latter had attempted to shoot him. Shields witnessed the struggle from a window in the shop and running to the place jumped into the fight. He attempted to wrest the gun from Boyle, who with the muzzle on Shield's breast pulled the trigger. The barber had his thumb under the trigger, however. Shields finally got the gun away from Boyle who started to run and was half way across the street when the barber took deliberate aim and fired, bringing him down.

Fenton accosted two men, as suspicious characters, and Boyle shot him twice. The second man escaped. The police found many stamps in a grip belonging to the men. The grip contained \$800 in postage stamps and a letter addressed Campbell, Calif. The postoffice at this place was recently robbed.

UNDER MARTIAL LAW.

**Presence of Troops Checks Rioting at
Muncie.**

MUNCIE, Jan. 4.—With martial law declared and 600 troops camped in the very heart of the city, the citizens of Muncie tonight are quiet and peaceable. The riotous outbreaks of the past three days have given away to normal existence so far as violence is concerned although the city is far from normal in a business and industrial sense. No arrests were made today in connection with the riots. The martial and civil authorities are working hand in hand, a declaration of martial law signifying merely that the commanding officer of troops has authority to go above the civil officers. Soldiers will keep streets clear of loiterers and be especially vigilant after nightfall.

LAWS DEAD LETTER.

Banking Practices Meet With Only Formal Criticism.

CHICAGO, Jan. 4.—That certain sections of the national banking law are a dead letter so far as banking practice is concerned, and that these violations meet with only the formal criticism of the comptroller of currency, was the testimony of George M. Coffin, a former deputy comptroller, during the Walsh trial today. He was asked if it was the custom to make accommodation and memorandum notes and loans in excess of the limit provided by the banking laws. Coffin answered affirmatively. He said when reports of banks engaged in this practice were gone over, it was the custom to send printed letters signed with autograph stamps containing instructions to reduce excessive loans. These letters are not followed up and replies, even, are not necessary.

ATTEMPT TO WRECK TRAIN.

Large Bolt Placed on Track Near

PORTLAND, Jan. 4.—A special to the Oregonian from Salem says a daring attempt was made to wreck the north-bound Roseburg passenger train on the Southern Pacific Railroad today. A large bolt was placed on the track near the fair grounds. A few minutes before the passenger train was due, a local track inspector's velocipede struck the object and both he and the machine were hurled in the ditch. A special from Woodburn says railway detectives placed two Roumanians under arrest for the crime. On being searched clippings from anarchist papers were found in their pockets. They were taken to Salem and incarcerated.

MAY PREVENT CONCERT.

**Conrad Liable to Press Injunction
Against Miss Abbott.**

NEW YORK, Jan. 4.—Boston, which has already seen the arrest of 1000 opera singers and many suits over the services of others, may take part in another legal controversy tonight when Miss Bessie Abbott is advertised to sing at a concert. Mr. Conrad of the Metropolitan Opera House last spring secured an injunction prohibiting Miss Abbott from singing except under his management, claiming a contract with her. It was during the Boston season of the Metropolitan Company last spring that Miss Abbott left the company issuing a statement in which she declared she had not been properly treated and had not been allowed to sing the parts which she was promised when she was engaged. After Mr. Conrad secured the injunction she began suit to have the contract declared void. The case will probably be reached within a month, but in the meantime Mr. Conrad is likely to prevent her singing elsewhere and may prevent the concert in Boston tonight.

THAW DYNAMITE.

SPRAGUE, Wash., Jan. 4.—Two laborers were killed and eight badly injured by a dynamite explosion in the construction camp on the Portland & Seattle Railroad, 25 miles south of Sprague today. The men were all Bulgarians and were thawing dynamite in a kitchen stove.

MILLS ARE RUNNING

**Goldfield Operators Believed to
Have Won.**

MINERS FORMING NEW UNION

**Within Ten Days or Two Weeks Every
Mine Will be Running Full Blast—
Wages Have Been Reduced Twenty
Per Cent.**

GOLDFIELD, Jan. 4.—It is believed in Goldfield that the strike is practically won by the mine operators and within 10 days or two weeks every mine in the district will be at work full blast. Several mines started this morning with miners formerly affiliated with the Western Federation, but who signed cards renouncing such allegiance. The men went to work on the new scale which reduced wages 20 per cent. The most hopeful sign of an early settlement is the formation of a new union among the miners, which is to become a state affair independent of the Western Federation. The Western Federation leaders are said to be much disturbed at the turn matters have taken.

EXCESS MANY MILLIONS.

**Remarkable Purchasing Powers Shows
America's Prosperity.**

NEW YORK, Jan. 4.—An evidence of the country's prosperity and remarkable purchasing power is to be found in the annual report of the appraiser of the port of New York. The value of merchandise imported in 1907 in excess of imports in 1906 was \$67,000,000. Acting Appraiser Clapp said yesterday that the total appraisement for 1907 over 1906 probably would have been \$100,000,000 had it not been for the financial disturbances, the report showing a decided falling off during the last four months. The appraised value of merchandise entered at this port during 1907 totals \$865,341,270.